

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Stephen T. Wellinghoff et al. Art Unit 1714
Serial No. 09/448,927
Filed November 24, 1999
Confirmation No. 5618
For ENERGY-ACTIVATED COMPOSITIONS FOR CONTROLLED SUSTAINED
RELEASE OF A GAS
Examiner Joseph David Anthony

December 29, 2006

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, MicroActive Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending patent application serial number 10/712,216, filed on November 13, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the

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1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No.51,781

12/29/2006

Date

/James D. Harper/

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

JDH/axj